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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,469	08/05/2003	A. Colleen Schmidt	45,024	6817

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EXAMINER

ROGERS, KRISTIN D

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,469	<b>Applicant(s)</b> SCHMIDT, A. COLLEEN	
	<b>Examiner</b> Kristin D. Rogers	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cianci (4465484). Cianci shows urine collection device for a male including a bag 12 with upper neck portion and opening 30, a lower neck portion and opening 26, first and second sides 16 and 18 respectively are attached to form an inner chamber 20, an elongated tube 32 having interior bore, first end with opening at lower end and second end opening at 32, and closure 28. In regard to claim 4, Cianci shows a bag 12 with aperture 46 on upper portion of bag (Figure 1 and 2). In regard to claim 5, Cianci shows a lower neck portion 26 disposed at the lowest gravitational area of bag 12. In regard to claims 6-8, Cianci shows a bag 12 made of a flexible liquid-impervious plastic (column 2 lines 6-8).

6. Claims 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Propp (5919146). In regard to claim 9, Propp shows urine collection device 20 with bag including inner chamber 56 and outlet 68 in fluid communication with chamber 56; an

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elongated tube 40 in fluid communication with inner chamber 56, a closure secured to outlet 68 (column 3, lines 43-45). In regard to claim 10, Propp shows an aperture on the upper portion of bag 56 (Figure 1). In regard to claim 11, Propp shows a tube 40 with first end opening 66 connected at upper neck portion of bag 56 and second end 42 (Figure 1). In regard to claims 12 and 13, Propp shows a conduit 82 with bore extending the length of tube 40, first conduit end connected to second end 42, conduit 82 with second end to receive male penis, and wherein the first conduit opening is fixedly centered over the upper tube of the second end 42 of tube 40 (Figure 1). In regard to claims. In regard to claims 14-16, Propp shows a bag 56 constructed of liquid impervious plastic material that is flexible (column 3, lines 43-45).

7. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Propp.

Propp teaches a method of collecting and discarding male urine comprising securing closure to an outlet 68 of urine collection device 20, device 20 comprising bag with inner chamber 56, upper neck portion of bag 56 shown in Figure 1, outlet 68 in fluid communication with bag chamber 56, flexible elongated tube 40 having bore in fluid communication with bag chamber 56, first end 66 connected to upper neck of bag 56, second end 42, tube 40 in fluid communication with inner chamber 56, conduit having bore 82, first conduit end connected to second end 42 of tube 40, and second conduit end, first conduit end having opening fixedly centered over upper tube opening of second end 42 of tube 40 (Figure 1) inserting male's penis in second end opening of conduit 82, second end of tube is elevated above first end allowing fluid flow by gravity

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(column 3, lines 33-36), collecting urine in bag chamber 56 of device 20, tilting bag 56, removing closure at outlet 68, and tilting bag 56.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianci (4465484) in view of Ogden et al. (6805690). Cianci shows urine collection device for a male including a bag 12 with an elongated tube having interior bore 32. Cianci lacks a conduit for receiving the penis. In regard to claim 2, Ogden et al. teaches a urine collection device for a male comprising a hollow conduit 50 having a bore extending the length of the tube with first conduit end 14 connected to tube 58 and second conduit end 20 for the purpose of insertion of male penis (Figure 4, column 2 lines 1-11). In regard to claim 3, Ogden et al. shows the conduit 50 with first end 14 fixedly centered over opening of upper tube 58 for the purpose of receiving fluid from the penis. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Cianci with a conduit fixedly centered over tube portion as taught by Ogden et al. since such modification would provide a member for receiving the male penis.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Rogers whose telephone number is 571.272.7293. The examiner can normally be reached on Monday through Friday 8:00am - 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571.272.4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDR

  
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